

1985 FEB -8 /H 9:02
HOUSE OF REPRESENTATIVES
FILED JAN 30 1985

I certify that the attached is a true and
correct copy of HB 617 which
was filed of record on JAN 30 1985
and referred to the committee on
Insurance

Barry Munoz
Chief Clerk of the House

By *Don Lee*

H.B. No. 617

A BILL TO BE ENTITLED

AN ACT

relating to insurance coverage for the services of certain
audiologists and fitters and dispensers of hearing aids.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 1 and 3, Article 21.52, Insurance Code,
are amended to read as follows:

Sec. 1. DEFINITIONS. As used in this article:

(a) "health insurance policy" means any individual, group,
blanket, or franchise insurance policy, insurance agreement, or
group hospital service contract, providing benefits for medical or
surgical expenses incurred as a result of an accident or sickness;

(b) "doctor of podiatric medicine" includes D.P.M.,
podiatrist, doctor of surgical chiropody, D.S.C. and chiropodist;

(c) "doctor of optometry" includes optometrist, doctor of
optometry, and O.D.;

(d) "doctor of chiropractic" means a person who is licensed
by the Texas Board of Chiropractic Examiners to practice
chiropractic;

(e) "licensed dentist" means a person who is licensed to
practice dentistry by the State Board of Dental Examiners;

(f) "audiologist" means a person who has received a master's
or doctorate degree in audiology from an accredited college or
university [~~and--is--certified--by--the--American--Speech--language--and~~
~~Hearing--Association~~]; [and]

1 (g) "speech-language pathologist" means a person who has
2 received a master's or doctorate degree in speech-language
3 pathology from an accredited college or university; and [~~and--is~~
4 ~~certified--by--the-American-Speech-language-and-Hearing-Asseeiation~~
5 ~~to-restore-speech-loss-or-correct-a-speech-impairment-~~]

6 (h) "hearing aid fitter and dispenser" means a person who is
7 licensed by the Texas Board of Examiners in the Fitting and
8 Dispensing of Hearing Aids.

9 Sec. 3. SELECTION OF PRACTITIONERS. Any person who is
10 issued, who is a party to, or who is a beneficiary under any health
11 insurance policy delivered, renewed, or issued for delivery in this
12 state by any insurance company, association, or organization to
13 which this article applies may select a licensed doctor of
14 podiatric medicine, a licensed dentist, or a doctor of chiropractic
15 to perform the medical or surgical services or procedures scheduled
16 in the policy which fall within the scope of the license of that
17 practitioner, a licensed doctor of optometry to perform the
18 services or procedures scheduled in the policy which fall within
19 the scope of the license of that doctor of optometry, an
20 audiologist or licensed hearing aid fitter and dispenser to measure
21 hearing for the purpose of determining the presence or extent of a
22 hearing loss and to provide aural rehabilitation services to a
23 person with a hearing loss if those services or procedures are
24 scheduled in the policy, or a speech-language pathologist to
25 evaluate speech and language and to provide habilitative and
26 rehabilitative services to restore speech or language loss or to
27 correct a speech or language impairment if those services or

1 procedures are scheduled in the policy. The payment or
2 reimbursement by the insurance company, association, or
3 organization for those services or procedures in accordance with
4 the payment schedule or the payment provisions in the policy shall
5 not be denied because the same were performed by a licensed doctor
6 of podiatric medicine, a licensed doctor of optometry, a licensed
7 doctor of chiropractic, a licensed dentist, an audiologist or a
8 licensed hearing aid fitter and dispenser, or a speech-language
9 pathologist. There shall not be any classification,
10 differentiation, or other discrimination in the payment schedule or
11 the payment provisions in a health insurance policy, nor in the
12 amount or manner of payment or reimbursement thereunder, between
13 scheduled services or procedures when performed by a doctor of
14 podiatric medicine, a doctor of optometry, a doctor of
15 chiropractic, a licensed dentist, an audiologist or a licensed
16 hearing aid fitter and dispenser, or a speech-language pathologist
17 which fall within the scope of his license or certification and the
18 same services or procedures when performed by any other
19 practitioner of the healing arts whose services or procedures are
20 covered by the policy. Any provision in a health insurance policy
21 contrary to or in conflict with the provisions of this article
22 shall, to the extent of the conflict, be void, but such invalidity
23 shall not affect the validity of the other provisions of this
24 policy. Any presently approved policy form containing any
25 provision in conflict with the requirements of this Act shall be
26 brought into compliance with this Act by the use of riders and
27 endorsements which have been approved by the State Board of

1 Insurance or by the filing of new or revised policy forms for
2 approval by the State Board of Insurance.

3 SECTION 2. This Act takes effect September 1, 1985.

4 SECTION 3. The importance of this legislation and the
5 crowded condition of the calendars in both houses create an
6 emergency and an imperative public necessity that the
7 constitutional rule requiring bills to be read on three several
8 days in each house be suspended, and this rule is hereby suspended.

HOUSE COMMITTEE REPORT

1st. Printing

By Lee

H.B. No. 617

Substitute the following for H.B. No. 617:

By Lee

C.S.H.B. No. 617

A BILL TO BE ENTITLED

AN ACT

relating to insurance coverage for the services of certain health care practitioners.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 1 and 3, Article 21.52, Insurance Code, are amended to read as follows:

Sec. 1. DEFINITIONS. As used in this article:

(a) "health insurance policy" means any individual, group, blanket, or franchise insurance policy, insurance agreement, or group hospital service contract, providing benefits for medical or surgical expenses incurred as a result of an accident or sickness;

(b) "doctor of podiatric medicine" includes D.P.M., podiatrist, doctor of surgical chiropody, D.S.C. and chiropodist;

(c) "doctor of optometry" includes optometrist, doctor of optometry, and O.D.;

(d) "doctor of chiropractic" means a person who is licensed by the Texas Board of Chiropractic Examiners to practice chiropractic;

(e) "licensed dentist" means a person who is licensed to practice dentistry by the State Board of Dental Examiners;

(f) "audiologist" means a person who has received a master's or doctorate degree in audiology from an accredited college or university and is certified by the American Speech-language and Hearing Association, or is licensed by the State Committee of

1 Examiners for Speech Pathology and Audiology; [and]

2 (g) "speech-language pathologist" means a person who has
3 received a master's or doctorate degree in speech-language
4 pathology from an accredited college or university and is certified
5 by the American Speech-language and Hearing Association to restore
6 speech loss or correct a speech impairment, or who is licensed by
7 the State Committee of Examiners for Speech Pathology and
8 Audiology; and

9 (h) "hearing aid fitter and dispenser" means a person who is
10 licensed by the Texas Board of Examiners in the Fitting and
11 Dispensing of Hearing Aids and who is board certified by the
12 National Board for Certification in Hearing Instrument Sciences or
13 by the American Conference of Audioprosthology.

14 Sec. 3. SELECTION OF PRACTITIONERS. Any person who is
15 issued, who is a party to, or who is a beneficiary under any health
16 insurance policy delivered, renewed, or issued for delivery in this
17 state by any insurance company, association, or organization to
18 which this article applies may select a licensed doctor of
19 podiatric medicine, a licensed dentist, or a doctor of chiropractic
20 to perform the medical or surgical services or procedures scheduled
21 in the policy which fall within the scope of the license of that
22 practitioner, a licensed doctor of optometry to perform the
23 services or procedures scheduled in the policy which fall within
24 the scope of the license of that doctor of optometry, a licensed
25 [an] audiologist to measure hearing for the purpose of determining
26 the presence or extent of a hearing loss and to provide aural
27 rehabilitation services to a person with a hearing loss if those

1 services or procedures are scheduled in the policy, [or] a licensed
2 speech-language pathologist to evaluate speech and language and to
3 provide habilitative and rehabilitative services to restore speech
4 or language loss or to correct a speech or language impairment if
5 those services or procedures are scheduled in the policy, or a
6 licensed hearing aid fitter and dispenser to measure human hearing
7 by the use of an audiometer or by those procedures common to
8 otological or audiological assessment of hearing acuity in order to
9 ascertain the existence or degree of a hearing loss and to provide
10 corrective hearing services to a person with a hearing loss through
11 the selection, adaptation, or training in the use of amplification
12 if those services or procedures are scheduled in the policy. The
13 payment or reimbursement by the insurance company, association, or
14 organization for those services or procedures in accordance with
15 the payment schedule or the payment provisions in the policy shall
16 not be denied because the same were performed by a licensed doctor
17 of podiatric medicine, a licensed doctor of optometry, a licensed
18 doctor of chiropractic, a licensed dentist, a licensed [an]
19 audiologist, [or] a licensed speech-language pathologist, or a
20 licensed hearing aid fitter and dispenser. There shall not be any
21 classification, differentiation, or other discrimination in the
22 payment schedule or the payment provisions in a health insurance
23 policy, nor in the amount or manner of payment or reimbursement
24 thereunder, between scheduled services or procedures when performed
25 by a doctor of podiatric medicine, a doctor of optometry, a doctor
26 of chiropractic, a licensed dentist, a licensed [an] audiologist,
27 [or] a licensed speech-language pathologist, or a licensed hearing

1 aid fitter and dispenser which fall within the scope of his license
2 or certification and the same services or procedures when performed
3 by any other practitioner of the healing arts whose services or
4 procedures are covered by the policy. Any provision in a health
5 insurance policy contrary to or in conflict with the provisions of
6 this article shall, to the extent of the conflict, be void, but
7 such invalidity shall not affect the validity of the other
8 provisions of this policy. Any presently approved policy form
9 containing any provision in conflict with the requirements of this
10 Act shall be brought into compliance with this Act by the use of
11 riders and endorsements which have been approved by the State Board
12 of Insurance or by the filing of new or revised policy forms for
13 approval by the State Board of Insurance.

14 SECTION 2. This Act takes effect September 1, 1985.

15 SECTION 3. The importance of this legislation and the
16 crowded condition of the calendars in both houses create an
17 emergency and an imperative public necessity that the
18 constitutional rule requiring bills to be read on three several
19 days in each house be suspended, and this rule is hereby suspended.

COMMITTEE REPORT

The Honorable Gib Lewis
Speaker of the House of Representatives

May 21, 1985
(date)

Sir:

We, your COMMITTEE ON INSURANCE, to whom was referred H.B. 617 have had the same under consideration and beg to report back with the recommendation that it (measure)

- () do pass, without amendment.
- () do pass, with amendment(s).
- (x) do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

A fiscal note was requested. (x) yes () no An actuarial analysis was requested. () yes (x) no

An author's fiscal statement was requested. () yes (x) no

The Committee recommends that this measure be placed on the (Local) or (Consent) Calendar.

This measure () proposes new law. (x) amends existing law.

House Sponsor of Senate Measure _____

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Gavin, Ch.			x	
Lee, V.C.	x			
Smith, A., C.B.O.				x
Carter	x			
Eckels	x			
Green	x			
Patrick	x			
Shea				x
Taylor	x			

Total
6 aye
0 nay
1 present, not voting
2 absent

CHAIRMAN
COMMITTEE COORDINATOR

BILL ANALYSIS

Background

Article 21.52, Texas Insurance Code, pertains to the right of an insured to select a health practitioner under policies of health and accident insurance. The recent legislative trend has been to mandate that no policy of accident and sickness insurance may make payment of benefits contingent upon examination or treatment by practitioners which are specified by the insurer, unless such provision is included in the "Exceptions" provisions of the policy or is included in an endorsement attached to the policy.

In 1983, the 68th Legislature amended Article 3.70-2, Texas Insurance Code, to include audiologists and speech pathologists, certified by the American Speech-language and Hearing Association, among the health practitioners designated by law as proper recipients of insurance reimbursements. Subsection (F), as added by Acts 1983, 68th Legislature, Chapter 380, Section 1, mandates that group policies of health and accident insurance provide coverage for the loss or impairment of speech or hearing which is not less favorable than coverage provided for physical illnesses generally.

The Committee on Insurance was requested to study the issue of mandated insurance coverages during the previous interim. In its report to the 69th Legislature the Subcommittee on Mandated Coverages suggested guidelines to be applied in the consideration of future mandated insurance legislation.

Purpose

As proposed, H.B. 617 would amend Sections 1 and 3 of Article 21.52, Texas Insurance Code, to include licensed "hearing aid fitters and dispensers" among the list of health practitioners entitled to receive insurance reimbursement should an insured elect to receive medical treatment from such practitioners. The bill would also add language to include persons licensed by the State Committee of Examiners for Speech Pathology and Audiology in the definition of "audiologist" and "speech-language pathologist" identified in Article 21.52.

Analysis

SECTION 1. Amends Section 1, Article 21.52, Texas Insurance Code, pertaining to definitions of qualified health practitioners and amends Section 3 of Article 21.52, pertaining to selection of practitioners.

Subsections (f) and (g) of Section 1, Article 21.52, are amended to include persons licensed by the State Committee of Examiners for Speech Pathology and Audiology in the definitions of "audiologist" and "speech-language pathologist".

A new subsection (h) is added defining "hearing aid fitter and dispenser" to mean a person who is licensed by the Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids and who is board certified by either the National Board for Certification in Hearing Instrument Sciences or the American Conference of Audioprosthology.

Section 3 of Article 21.52 is amended to reflect "licensed" audiologists and "licensed" speech-language pathologists and to include "licensed hearing aid fitters and dispensers" in the list of practitioners which may be selected by an insured if the service involves the measurement of hearing and the provision of corrective hearing services through the use of amplification devices if those services are scheduled in the policy.

SECTION 2. The effective date of this act is September 1, 1985.

SECTION 3. Emergency clause.

Rulemaking Authority

It is the committee's opinion that the bill does not confer additional rulemaking authority on any state officer, agency, department, or institution.

Summary of Committee Action

Public notice was posted in accordance with the Rules of Procedure of the House of Representatives and a public hearing was held on March 20, 1985.

The following persons testified for H.B. 617:

Thomas "Ray" Jones, hearing aid fitter/dispenser, representing himself.
George D. Holland, Jr., hearing aid fitter/dispenser and audiologist, representing himself.
William M. Sanzone, hearing aid dispenser, representing himself.
Jim Wilson, Executive Director of the Texas Hearing Aid Association, representing more than 200 hearing aid dealers throughout Texas.

The following persons testified against H.B. 617:

Will D. Davis, attorney, representing the Texas Legal Reserve Officials Association.
Patricia Cole, speech pathologist, representing the Texas Speech-Language-Hearing Association.
Mark Cohen, attorney, representing the Texas Speech-Language Association.

The record reflected the following person opposed to H.B. 617:

Sandy Friel-Patti, professor of speech-language pathology, representing herself.

The bill was referred to a subcommittee consisting of the following members: Shea, Lee, Taylor. On May 17, 1985, the measure was reported to the full committee as substituted.

On May 21, 1985, the full committee voted to report H.B. 617 as substituted to the House with the recommendation that it do pass by a record vote of six (6) ayes and no (0) nays.

Comparison of Differences between C.S.H.B. 617 and H.B. 617

C.S.H.B. 617 amends subsections (f) and (g) of Section 1, Article 21.52, Texas Insurance Code, by adding new language to include persons who are licensed by the State Committee of Examiners for Speech Pathology and Audiology within the definition of "audiologist" and "speech-language pathologist". H.B. 617 would not have included this licensing language and would have deleted the current requirement that an audiologist and a speech-language pathologist be certified by the American Speech-language and Hearing Association.

C.S.H.B. 617 adds language to the proposed subsection (h) of Section 1, Article 21.52, to require board certification by either the National Board for Certification in Hearing Instrument Sciences or the American Conference of Audioprosthology for hearing aid fitters and dispensers. H.B. 617 would not have included such certification requirements.

C.S.H.B. 617 would add language to Section 3 of Article 21.52 to clarify the services permissible to be rendered by a qualified hearing aid fitter and dispenser and thus eligible for insurance reimbursement in the event

H.B. 617

By: Lee

such services are scheduled in the insurance policy. H.B. 617 would not have included this clarifying language.

C.S.H.B. 617 amends Section 3 of Article 21.52 to reflect the fact that audiologists and speech-language pathologists shall be licensed. H.B. 617 would not have contained these provisions.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

March 11, 1985

Honorable John J. Gavin, Chair
Committee on Insurance
House of Representatives
Austin, Texas

In Re: House Bill No. 617
By: Lee

Sir:

In response to your request for a Fiscal Note on House Bill No. 617 (relating to insurance coverage for the services of certain audiologists and fitters and dispensers of hearing aids) this office has determined the following:

No fiscal implication to the State or units of local government is anticipated.


Jim Oliver
Director

Source: Board of Insurance; LBB Staff: JO, JH, LV

H. B. No. 617

By Don Lee

A BILL TO BE ENTITLED

AN ACT

relating to insurance coverage for the services of certain audiologists and fitters and dispensers of hearing aids.

JAN 30 1985

1. Filed with the Chief Clerk.

FEB 6 1985

2. Read first time and Referred to Committee on Insurance

MAY 21 1985

3. Reported favorably (~~as amended~~) (as substituted) and sent to Printer at 7:50 pm

MAY 23 1985

4. Printed and distributed at 1:01 pm

MAY 23 1985

5. Sent to Committee on Calendars at 1:25 pm

6. Read second time (amended); passed to third reading (failed) by (Non-Record Vote) (Record Vote of _____ yeas, _____ nays, _____ present, not voting).

7. Motion to reconsider and table the vote by which H.B. _____ was ordered engrossed prevailed (failed) by a (Non-Record Vote) (Record Vote of _____ yeas, _____ nays, and _____ present, not voting).

8. Constitutional Rule requiring bills to be read on three several days suspended (failed to suspend) by a four-fifths vote of _____ yeas, _____ nays, and _____ present, not voting.

9. Read third time (amended); finally passed (failed) by (Non-Record Vote) (Record Vote of _____ yeas, _____ nays, _____ present, not voting).

10. Caption ordered amended to conform to body of bill.

11. Motion to reconsider and table the vote by which H. B. _____ was finally passed prevailed (failed) by a (Non-Record Vote) (Record Vote of _____ yeas, _____ nays, and _____ present, not voting).

12. Ordered Engrossed at _____

13. Engrossed.

14. Returned to Chief Clerk at _____

15. Sent to Senate.

Chief Clerk of the House

16. Received from the House

17. Read, referred to Committee on _____

18. Reported favorably

19. Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

20. Ordered not printed.

21. Regular order of business suspended by (a viva voce vote.) (_____ yeas, _____ nays.)

_____ 22. To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of _____ yeas, _____ nays.

_____ 23. Read second time _____ passed to third reading by:
(a viva voce vote.)
(_____ yeas, _____ nays.)

_____ 24. Caption ordered amended to conform to body of bill.

_____ 25. Senate and Constitutional 3-Day Rules suspended by vote of _____ yeas,
_____ nays to place bill on third reading and final passage.

_____ 26. Read third time and passed by
(a viva voce vote.)
(_____ yeas, _____ nays.)

OTHER ACTION: OTHER ACTION:

Secretary of the Senate

_____ 27. Returned to the House.

_____ 28. Received from the Senate (with amendments,
(as substituted.)

_____ 29. House (Concurred) (Refused to Concur) in Senate (Amendments) by a (Non-Record
(Substitute) Vote) (Record Vote of _____ yeas, _____ nays, _____ present,
not voting).

_____ 30. Conference Committee Ordered.

_____ 31. Conference Committee Report Adopted (Rejected) by a (Non-Record Vote) (Record
Vote of _____ yeas, _____ nays, and _____ present, not voting).

_____ 32. Ordered Enrolled at _____